Local Government Law News

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Red Light Cameras

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Running red lights leads to 260,000 injuries and 750 fatalities annually, according to the Governors Highway Safety Association. In Kentucky and across the country, states and localities are taking an interest in automated traffic enforcement such as red light cameras and photo radar.

Modern photo radar first appeared in Texas in 1986, but its use is not widespread.[1] Only 13 states currently authorize its use. Red light cameras, on the other hand, were first introduced in 1993 in New York City.[2] At least 27 states allow the use of red light cameras.

Red light technology integrates three components: a camera, a trigger, and a computer. The computer will recognize a red light, and a car passing over an underground trigger causes the camera to snap a picture. Some localities only permit the photographs to be taken of the license plate, while others permit a photograph of the driver to be taken as well.[3] Usually a police officer reviews the photographs for irregularities before issuing a ticket to the registered owner of the vehicle.

Red light cameras and photo radar give law enforcement agencies the ability to enforce traffic laws remotely. Proponents say this allows local governments to improve safety and reduce violations without diverting resources from other areas. However, automated traffic enforcement remains controversial, especially where it is seen as a revenue generator rather than as a safety program.

State and local governments that use red light cameras to improve safety point out that a federal study found that in the seven participating jurisdictions the number of red light crashes was reduced by 24.6 percent and injuries by 15.7 percent. However, critics point out that the study also shows that the number of rear-end collisions increased by 14.9 percent and related injuries by 24 percent. While the use of red light cameras may decrease the number of accidents occurring when motorists run red lights, the fear of a ticket is causing many to slam on their brakes at stoplights, causing an increase in rear-end collisions.

Although safety is the main interest of some jurisdictions using red light camera programs, revenue is an important interest to others. The 37 red light cameras in Washington, D.C., grossed revenue of $18 million between 1999 and 2002.[4] In Cleveland, Ohio, the expected revenue was $6.5 million.[5] In a smaller city with fewer cameras, revenues would be far less. Regardless, the contracts entitle the vendor to as much as 75 percent of the money generated by the tickets.[6] In some cases, the tickets may not generate enough revenue to pay for the contract costs, and there is no windfall of revenue for cities.

An obstacle to the use of red light cameras in Kentucky is KRS §431.015(2). The Attorney General interprets this provision to require that, in order to make an arrest or issue a citation, a violation must be committed in the presence of a peace officer.[7] This would preclude remote enforcement of traffic laws by automated technologies. However, it is debatable as to whether this provision precludes the use of red light cameras in Kentucky. In the 2000 General Assembly, legislation would have overcome this obstacle.

SB 353 allowed citations to be issued from the use of red light cameras in Kentucky. It set forth a civil penalty of $20 against the owner of the vehicle.[8] The proposed bill also provided defenses to liability. Any motorist cited under the act could prove that another person was driving, they were yielding right-of-way to an emergency vehicle, the owner's license plates had been stolen, or the traffic control signal was not in a proper position. These provisions allowed the registered owner to contest the issuance of tickets under the legislation. However, the full text of the bill did not provide any privacy protection. Despite interest garnered in other states, the bill was defeated in the Kentucky Senate, and no other bills have been proposed.

At one time, Lexington expressed interest in the idea, but the urban county council voted to drop the idea.[9] In a meeting of the council March 9, 2006, the council passed a resolution, 13-2, to express its strong opposition to red light cameras. This resolution opposed conducting studies on red light cameras, and the issues surrounding red light programs were never heard by the council. The vice mayor of Lexington said that privacy interests were the main reason not to study the technology.

While the issue has stalled in the Senate and in Lexington, Cincinnati, Ohio voters took a decisive stance on red light camera programs on November 4, 2008. Cincin-

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